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12  
13 **UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF NEVADA**

15 DARNELLE JONES MARTIN,

16 Case No.: 2:18-cv-02392-GMN-VCF

17 Plaintiff,  
18 v.  
19 UNITED STATES OF AMERICA,  
20 Defendant.

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22 **JOINT MOTION TO STAY FOR**  
23 **PURPOSES OF SETTLEMENT**  
24 **DISCUSSIONS**  
25 **(Second Request)**

26  
27 Troy K. Flake, Assistant United States Attorney, on behalf of Defendant United  
28 States of America, and Justin Wilson, on behalf of Plaintiff Darnelle Jones Martin, submit  
the following joint motion requesting that this court stay this case for 60 days so that the  
parties can engage in settlement discussions.

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30 **A. Status Report**

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32 On February 27, 2020, the Court granted the parties' request to stay this case  
33 pending settlement. The stay expires on March 20, 2020. Prior to the stay, the parties  
34 engaged in extensive written discovery including providing initial disclosures and  
35 supplemental disclosures, requesting and producing thousands of pages of documents,  
36 subpoenaing numerous third parties, and propounding and responding to interrogatories.  
37 The parties also conducted the depositions of six witnesses including the Plaintiff and  
38 several treating providers.

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2        **B. Settlement Discussions and Request to Stay**

3        The parties are engaged in productive settlement discussions. The parties have  
4 exchanged settlement offers. Currently, Plaintiff is evaluating an offer made by Defendant a  
5 few days ago. Both parties believe that further discussions may lead to resolution of this  
6 case and are negotiating in good faith. However, the ability of the Plaintiff and Defendant  
7 to evaluate settlement offers has been slowed by the significant disruption arising out of the  
8 response to pandemic Covid-19.

9        In order to avoid the continued expense and burden of litigation, including costly  
10 expert discovery, while the parties are engaged in good-faith negotiations, the parties  
11 jointly request that the court continue the stay in this case for an additional 60 days. This  
12 will allow them to consult with medical experts, obtain authority, exchange offers, and  
13 evaluate settlement without incurring additional litigation costs.

14        At the expiration of 60 days, on Friday, May 22, 2020, the parties will file a status  
15 report to the Court either: (1) notifying the Court that the parties have reached a settlement,  
16 or; (2) providing a proposed discovery plan and scheduling order setting dates by which  
17 they will complete the remaining discovery, file dispositive motions, and file a joint pretrial  
18 order.

19        Respectfully submitted this 19th day of February 2020.

20        POWELL LAW FIRM

21        /s/ Justin W. Wilson  
22        JUSTIN W. WILSON, ESQ.

23        *Attorney for Plaintiff*

24        NICHOLAS A. TRUTANICH  
United States Attorney

25        /s/ Troy K. Flake  
26        TROY K. FLAKE  
Assistant United States Attorney

27        *Attorneys for the United States*

28        **IT IS SO ORDERED:**

29  
30          
31        **UNITED STATES MAGISTRATE JUDGE**  
32        DATED: 4-6-2020